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Official Report of Debates (Hansard)

SP-1

Journal des débats (Hansard)

SP-1

Standing Committee on
Social Policy

Comité permanent de
la politique sociale

Pay Transparency Act, 2018

Loi de 2018
sur la transparence salariale

3rd Session
41st Parliament
Tuesday 17 April 2018

3^e session
41^e législature
Mardi 17 avril 2018

Chair: Peter Tabuns
Clerk: Jocelyn McCauley

Président : Peter Tabuns
Greffeière : Jocelyn McCauley



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CONTENTS

Tuesday 17 April 2018

Pay Transparency Act, 2018, Bill 3, Mr. Flynn / Loi de 2018 sur la transparence salariale, projet de loi 3, M. Flynn	SP-1
Ontario Coalition for Better Child Care	SP-1
Ms. Laurel Rothman	
Human Resources Professionals Association.....	SP-3
Mr. Scott Allinson	
Ontario Society of Professional Engineers.....	SP-5
Mr. Sandro Perruzza	
Ms. Shelly Deitner	
Ontario Federation of Labour.....	SP-8
Ms. Patty Coates	
Ms. Thevaki Thevaratnam	
Ontario Equal Pay Coalition	SP-10
Ms. Fay Faraday	
OPSEU	SP-12
Ms. Carol Mundley	

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICY

Tuesday 17 April 2018

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Mardi 17 avril 2018

*The committee met at 1530 in room 151.*PAY TRANSPARENCY ACT, 2018
LOI DE 2018

SUR LA TRANSPARENCE SALARIALE

Consideration of the following bill:

Bill 3, An Act respecting transparency of pay in employment / Projet de loi 3, Loi portant sur la transparence salariale.

The Vice-Chair (Miss Monique Taylor): Good afternoon, committee members. The Standing Committee on Social Policy will now come to order.

We are meeting this afternoon for public hearings on Bill 3, An Act respecting transparency of pay in employment. Pursuant to the order of the House dated April 11, 2018, each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members, divided equally among the recognized parties.

Are there any questions before we begin? Okay.

ONTARIO COALITION
FOR BETTER CHILD CARE

The Vice-Chair (Miss Monique Taylor): I'll call the first witness and ask them to state their name for the official record. That would be the Ontario Coalition for Better Child Care.

Ms. Laurel Rothman: I'm Laurel Rothman. I'm the interim public policy coordinator. Thanks for the opportunity to present.

The coalition has been Ontario's central advocacy group for a universal, affordable, high-quality system of early childhood education and care since our inception in 1981. Our members are non-profit child care programs, local and provincial groups, and individuals. Many are early childhood educators and parents, as well as program staff. We work closely with our partner, the Association of Early Childhood Educators Ontario, AECEO, on workforce issues. Both groups are members of the pay equity coalition.

We believe that pay transparency facilitates the significant public policy objective of closing the gender pay gap, a key issue. We think pay transparency must disrupt the culture of secrecy which enables unfair pay

practices. To more successfully achieve that goal, we're going to recommend several amendments to Bill 3.

First, we think the act's application has to be extended to all private and public sector employers with 10 or more employees, which, as we understand it, is the same obligation as in the Pay Equity Act. If we leave the application to regulation at some point, that undermines the employers' current obligation under the Human Rights Code, the Employment Standards Act and the Pay Equity Act.

I should add that most child care programs—I don't have good numbers; we know almost all employ less than 50 people, and probably the majority employ less than 20. So these organizations would not benefit in the foreseeable future from this legislation in its current form. It's women like early childhood educators in non-unionized workplaces who need access to pay transparency to protect their rights.

Then, the obligation to report transparency must be embedded in the act and reflect the different entitlements of workers under the equal pay act, the Employment Standards Act and the Human Rights Code. In the child care sector, we think small employers would appreciate that clarity. They already do a lot of reporting on lots of things; this probably would not be hard for them.

The act must specify pay transparency requirements, including compensation structure and wage grids—if they have wage grids—by gender, job classification and job status. The act must include mandatory timelines for submitting those pay transparency reports, and there should be penalties for non-compliance, as there are for lots of other things.

In short, we think Bill 3 represents an important opportunity to enhance enforcement toward ending the gender pay gap. We need bold action, and these amendments strengthen the act and put Ontario among the global leaders in pay transparency.

The Vice-Chair (Miss Monique Taylor): Thank you, Ms. Rothman. We will now begin with the official opposition. MPP Scott.

Ms. Laurie Scott: Thank you very much for appearing here today.

I just want to clarify a couple of things. The bill, as it stands now, does not apply to the child care providers or any of the women who work in that sector—do they at the moment? Do you know?

Ms. Laurel Rothman: I believe it applies to them. I don't claim to be an expert, but they are certainly independent, incorporated employers. I don't know why they wouldn't—I'm not aware of why it would not apply.

Ms. Laurie Scott: Okay.

Ms. Laurel Rothman: Maybe if somebody else could—

Ms. Laurie Scott: I'll get some clarification on that. I just had a question about that. All right.

Interjection.

Ms. Laurel Rothman: Pardon?

Ms. Ann Hoggarth: It applies to them.

Ms. Laurie Scott: Okay. I know in the government's report it made that recommendation. I just didn't know for sure if it actually—is that how you interpreted the bill when you were doing your presentation?

Ms. Laurel Rothman: That's how we interpreted it.

Ms. Laurie Scott: Okay.

Ms. Laurel Rothman: I'm not a lawyer or a legislative expert, but that's how I understood it.

Ms. Laurie Scott: Okay.

Mr. Ted McMeekin: It doesn't mean you can't practise, just because—

Ms. Laurel Rothman: That's true.

Ms. Laurie Scott: Yes. So right now, the government has offered the child care sector wage enhancements, but in doing so increased pay equity liability. When the government commissioned the report on closing the gender wage gap—I'd say the page but you don't need the page because, obviously, that's a little bit too much detail—in a lot of cases you see payment of wage increases without addressing outstanding pay equity obligations. Do you find that in the child care organizations you represent? For example, in Community Living, we have a situation where they're mandated but they didn't have the resources to help with the pay equity discrepancies.

Ms. Laurel Rothman: When you say resources, you mean the money to pay additional salaries?

Ms. Laurie Scott: Yes.

Ms. Laurel Rothman: Certainly, that's an issue. Irrespective of that, I think having some transparency about what the wage is, what you should be paid etc.—it's a bit of an apple versus an orange, but yes, the issue of having sufficient resources to pay better salaries exists still.

Ms. Laurie Scott: Okay. Do you think that your sector would have offered to share—and I think you alluded to that; I'm sorry. I know it was a very quick presentation that we got you to do in five minutes. Do you think that your organization would voluntarily supply the information about wages?

Ms. Laurel Rothman: You mean, would employers? Yes, absolutely. Many of them do that in order to get subsidy contracts with municipalities.

Ms. Laurie Scott: Right, so you don't necessarily need a separate piece of legislation to voluntarily—

Ms. Laurel Rothman: I don't know about that—

Ms. Laurie Scott: But your sector would voluntarily do this, pretty much.

Ms. Laurel Rothman: The sector would be most likely to do it, of course.

The Vice-Chair (Miss Monique Taylor): Fifteen seconds.

Ms. Laurie Scott: Good. That's great. Thanks for coming today. In 15 seconds, I can't really ask another question.

The Vice-Chair (Miss Monique Taylor): Thank you. We will now move on to the third party. Ms. Forster.

Ms. Cindy Forster: Thank you, Laurel, for being here today. Your coalition, I am assuming, applies to child care workers not only in the public sector but in the private sector?

Ms. Laurel Rothman: Absolutely.

Ms. Cindy Forster: So this bill in its current form, without any amendments: How would it apply to child care workers in this province, given that with its introduction it's only going to apply to employers with 500 or more employees?

Ms. Laurel Rothman: This bill would not help probably the vast majority of child care workers, as it stands now, because most are not, I believe, in the official definition of the public sector. We have some who are in municipalities, some who are in community colleges; unfortunately, they're a diminishing minority. So they would not be eligible on those grounds, and they wouldn't be eligible because most child care program employers are small. They employ rarely more than 50 and often not more than 20 employees.

Ms. Cindy Forster: Why would the Liberal government actually introduce legislation that will probably not apply to 30% of the workforce in Ontario?

Ms. Laurel Rothman: Well, I can't answer; I can only answer what we think should happen and that it should apply to the public and the private sectors, just like all those other very important legislative provisions—the Human Rights Code, the Pay Equity Act and the Employment Standards Act—do.

Ms. Cindy Forster: There is an amendment that is recommending that the Pay Transparency Act actually be monitored and administered through the pay equity tribunal and the Pay Equity Office. Do you have any comment on that?

Ms. Laurel Rothman: I don't have a comment on that.

Ms. Cindy Forster: Okay. Thank you.

The Vice-Chair (Miss Monique Taylor): All right. We'll move to the government. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you for your presentation. I just wanted to clarify that this bill does apply to all employers. The only component that is phased in is the reporting mechanism that will be phased in based on consultation.

With that, I'd like to ask you a question. You have touched on the desire that the legislation apply to more employees right away. I see your point, but I know that there was a conscious effort to work with both employers

and groups such as yourselves, and that there was to be a phased-in, evidence-based approach, from what I understand.

1540

Can you detail how other jurisdictions have implemented this type of legislation, and can you give us a sense of how the types of employers that are covered in those jurisdictions—if they were immediately phased in, if they were mandatory or voluntary, and what sort of results they've seen?

Ms. Laurel Rothman: Well, I must be honest: I'm not an expert in pay equity per se, so I'm not fully familiar with what other jurisdictions have done—only that I've read quite a bit about some of the high-level, broad approaches.

What I do know from how child care employers operate and the level of reporting that they do now is that this would align well with what they're already doing and would give more information to front-line child care workers. Right now, if you want to know what happens in a unionized centre, you go online, you find the collective agreement and you can see what the job classification is, what the salary is etc. That's not the case for the at least 80% of other child care workers in the sector's employer settings that are not unionized. I think that if we want transparency, it needs to move forward as soon as possible.

Ms. Ann Hoggarth: Do I have any time left?

The Vice-Chair (Miss Monique Taylor): Yes, you have almost a minute.

Ms. Ann Hoggarth: Okay. During debate, we heard from the opposition that pay transparency was not needed to close the gender wage gap and that we could achieve that goal by simply amending the Pay Equity Act. Do you agree with that statement? Why or why not?

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Laurel Rothman: My understanding is that we do need additional legislation that makes it very clear what needs to be reported, when it's reported and how the broader public—that is, front-line employees—can find that information.

The Vice-Chair (Miss Monique Taylor): Thank you for your presentation, Ms. Rothman.

HUMAN RESOURCES PROFESSIONALS ASSOCIATION

The Vice-Chair (Miss Monique Taylor): We will now move on to our next presenter, which is the Human Resources Professionals Association.

Please state your name for the record before you begin. You have five minutes for your presentation.

Mr. Scott Allinson: My name is Scott Allinson. I'm the vice-president of the Human Resources Professionals Association, or HRPA. I'm pleased to have this opportunity to come before the Standing Committee on Social Policy to speak on behalf of our members on Bill 3.

As you know, the HRPA is the self-regulator of the HR profession in Ontario, with more than 23,000 members in the province. Those members represent about 8,000 organizations in every industrial sector, which employ around 2.5 million Ontarians.

HRPA members possess a high level of professionalism and are protected by regulatory safeguards to complete this work, to both create value for the organizations that employ them and ensure the legislative rights of workers in the workplace. Our members are on the front line of Ontario businesses, ensuring compliance with employment law and best practices.

We recognize that the gender wage gap is an important issue facing Ontario today, costing the Ontario economy an estimated \$168 billion per year. We believe that pay transparency legislation, such as Bill 3, represents an important step in eradicating the wage gap.

The majority of our members recognize the need for government action on the issue of wage transparency, with 74% recommending government intervention and 59% of our members believing that pay transparency will lead to shrinking wage gaps.

We find much to admire about this bill, but even as it stands it also can be improved.

We applaud Bill 3's ban on seeking information about compensation history, as such information has been shown to entrench and exacerbate the wage gap. We also support the provisions regarding the posting of compensation range information, as this is widely seen to be the best practice that fosters pay equity.

In terms of ways that the bill could be strengthened, HRPA recommends more thorough and specific reporting requirements, in line with those used in Australia. Australia requires its employers with 100 or more staff to report annually on performance via six gender-equality indicators, those being gender composition of the workforce; gender composition of governing bodies of relevant employers; equal remuneration between women and men; availability and utility of employment terms, conditions and practices relating to flexible working arrangements for employees and to working arrangements supporting employees with family or caring responsibilities; consulting with employees on issues concerning gender equality in the workplace; and other matters specified by the minister, such as sex-based harassment and discrimination.

Whether the Ontario government adopts these criteria or opts for different metrics, it is important to clearly outline the reporting benchmarks in the legislation so that employers will know what is to be required. We feel that in the existing format there is no teeth to reporting in the metrics that can be used by the government for data evaluation at a later point, which we see in Australia, who have been doing it now for the last four years. We see that the metrics that have been provided to them are invaluable in helping them shrink their wage gap nationally.

We also feel that our members feel that in the name of efficiency, all reporting under the Pay Transparency Act

should be streamlined into a simple process and combined with other reports that businesses are required to submit to government, one of the examples being the accessibility standards of the annual reporting that they do, as well as with WSIB. We feel that our members feel that if there was a one-stop shop to do an annual report for all requirements through the government, through the Ministry of Labour, through the accessibility directorate, it would make for a much more, I think, robust reporting and sort of make it easier for government, in compliance with employers.

We feel that with these simple amendments Ontario can become a leader in the field of pay transparency and begin to seriously address our wage gap. HRPA believes that this will bring significant economic benefits, as well as being in line with Ontario's long-standing values on pay equity and gender equality.

Thank you very much for your time and your consideration of our ideas.

The Vice-Chair (Miss Monique Taylor): Thank you, Mr. Allinson. We'll begin with the third party. Ms. Forster.

Ms. Cindy Forster: Thank you very much for being here today. You represent 23,000 members. Were you invited to be part of the steering committee panel to actually discuss this bill before it came forward?

Mr. Scott Allinson: No, we were part of the gender wage gap consultation, but we were not part of this.

Ms. Cindy Forster: Okay. There are a number of other amendments being proposed that perhaps you can weigh in on. One is that perhaps the pay transparency bill could be enforced through the Pay Equity Office rather than the labour board, if it was going to be reported separately—which you're not suggesting—because the pay equity tribunal and the office have the expertise in actually dealing with wage gap issues. Do you have any comment on an amendment like that?

Mr. Scott Allinson: I'm speaking on behalf of our members on a survey in regard to this. I think the biggest concern that our members have is, this is another layer of reporting that's on top of many more layers of reporting. What they're saying is that they believe in this, but there has to be a more efficient way of doing it, so can it be combined with something else that's already out there, to streamline the process and to make sure that you will have compliance? For our members, we call them, as much as the Ministry of Labour doesn't like us to say this—our members are de facto compliance officers for their employers. So anybody who has an HRPA member, they're pretty much onside with everything.

So our members' biggest concern is the fact that if you're going to do this and it's going to have teeth and the metrics go behind it, make it part of something else, so that it's just less onerous on businesses, especially small and medium-sized businesses. Those actually wouldn't really have HRPA members because most companies under 75 don't have a dedicated HR professional; they maybe would have a consultant. If you're going to make the reporting requirements under a certain point,

you're going to have to make it easier for them to comply.

Ms. Cindy Forster: What percentage of your employers that you represent, those 8,000 employers—

Mr. Scott Allinson: I don't represent employers; I represent HR—

Ms. Cindy Forster: —or the members. What percentage of those 8,000 employers would have more than 500 employees?

Mr. Scott Allinson: Of our members, we would probably say about—well, 75% of our members would represent companies over 500, and then the rest would be either into the public sector—

Ms. Cindy Forster: So most of these are in the private sector?

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Mr. Scott Allinson: No, we're pretty much split evenly with public and with private.

Ms. Cindy Forster: So 25% of the employers this wouldn't be applicable to, under the proposed legislation?

Mr. Scott Allinson: I'm not that strong in math, but yes, I'll take your word on that one.

Ms. Cindy Forster: Thank you.

1550

The Vice-Chair (Miss Monique Taylor): Thank you, Ms. Forster. We'll move to the government. Mr. Colle.

Mr. Mike Colle: You were mentioning Australia. What is the gender pay gap there?

Mr. Scott Allinson: The difference?

Mr. Mike Colle: Yes.

Mr. Scott Allinson: I don't know off the top of my head.

Mr. Mike Colle: Because they have done some progressive things.

What about in other Canadian jurisdictions? Where does Ontario stand with this gender wage gap?

Mr. Scott Allinson: I would say Ontario is probably at the forefront of the smallest gap compared to other provinces.

Mr. Mike Colle: So the gap's larger in other provinces.

Mr. Scott Allinson: Yes.

Mr. Mike Colle: How do we compare with American states?

Mr. Scott Allinson: I would say we were probably way ahead of the curve. I think if you're comparing us to other jurisdictions, if you look at the Scandinavian countries, Iceland specifically, they would be the shining example of reducing the gender wage gap and taking the lead. If I look at Australia, Australia is probably the great compromise for business and for individuals. The UK one, I would say, is window dressing, in a sense, because it's not mandatory reporting; it's voluntary. It just started, actually, on April 4 of this year, so it's a little early to tell what's going to happen there. Germany, again, is a little bit more watered down. But if you're looking at the two best examples, you would have Iceland as the gold

standard and you would have Australia as the compromise for all parties.

Mr. Mike Colle: I know you mentioned how challenging it is sometimes for HR professionals to produce the reports and the compliance that is required. Don't you feel that the key to this is that the reporting has to be mandatory?

Mr. Scott Allinson: Yes. I would say that if you're going to do this and you're going to make it mandatory, then make the metrics and the reporting worthwhile to do.

In regards to our members filing, it's not onerous on our members to do because they have the resources, being with bigger companies. But for small and medium-sized businesses—that's why we recommend that it should be streamlined with other reporting at the same time. It's less onerous on them, with the lack of resources that they would have compared to a bigger company.

Mr. Mike Colle: And do you think the fact that we are requiring businesses of 500 or more employees to undertake this mandatory reporting is a reasonable way to start this process, rather than requiring 100% reporting?

Mr. Scott Allinson: I think it's a start. In Australia, it's 100 employees that it's mandatory to report—

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Mr. Scott Allinson: I think that probably would be an acceptable level. One of the comments that our members made is that there doesn't seem to be standardization between government departments on what the requirement is for business to report. If you look at the accessibility directorate, it's 50 employees or more. It would be great if there could be a streamlined standardization for that. I don't know how realistic that is, though.

Mr. Mike Colle: Thank you very much.

The Vice-Chair (Miss Monique Taylor): We'll now move on to the official opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you, Scott, for joining us this afternoon.

Notwithstanding your presentation, I detected in your conversation with Ms. Forster that there may be two sides to the equation. You talked about how your professionals are de facto compliance officers in your companies, but by virtue of the size of them they have the means and resources to do so.

I think it's a fair statement to say that everybody—we've had pay equity legislation in place for 30 years. Everybody believes that the wage gap should be reduced and eliminated. We haven't done a very good job of getting there.

Within the current legislation, if it was enforced the way it could be, would it be required to have this? If we could enforce and make amendments to the current legislation to enforce and make sure that pay equity laws were being followed, could we not get there as well?

Mr. Scott Allinson: That's one avenue, yes. That is a possibility, that it could be done that way.

When I talk about our members, in the sense that in part of their educational training there is a pay equity component in their exam and everything else—when I talk about it being easy compliance for our members, it's because it's part of their core curriculum in regard to getting it. I think the crux of what our members are getting at on this is that it's not a debate of whether this legislation is going through or not going through—they perceive it as going ahead—it's to make it as simple as possible to report. If they are going to report, make the material that they're reporting on worth something. There has got to be value to the government, and there has got to be value to employers.

Our members also are of the view that, looking forward, the best way to close that gap down to zero is further education and some of the things that we're talking about, of putting out the salaries, not going back and trying to solve—

Mr. John Yakabuski: What I'll say is that if we could accomplish something without bringing in new legislation and amending it, it would be, as you say, a whole lot less onerous, if we could accomplish that goal by enforcing the existing legislation.

Mr. Scott Allinson: If the goal is the same as what this is going to do—

Mr. John Yakabuski: This is only about reporting.

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Mr. John Yakabuski: This has no goal; this is about reporting.

Mr. Scott Allinson: Right, but what we're saying is that we would like the reporting because it helps all companies in regard to where wages are at. It helps in the sense of at least having transparency of what the wages are.

One comment I will make, and we made it in our gender wage gap report: For females in the workforce, it's no secret that nine times out of 10 they don't do a counter-offer on the salary because they don't know where it's at and they're not educated on it. So that's what we're saying. On the education part of the reporting, that's crucial.

The Vice-Chair (Miss Monique Taylor): Thank you, Mr. Allinson.

Mr. John Yakabuski: That's it. Thank you, Scott. I appreciate that.

The Vice-Chair (Miss Monique Taylor): Thanks for your presentation today.

ONTARIO SOCIETY OF PROFESSIONAL ENGINEERS

The Vice-Chair (Miss Monique Taylor): We will move on to our next presenter, which is the Ontario Society of Professional Engineers. You will have five minutes—I'll wait for you to sit; sorry.

Good afternoon. You will have five minutes for your presentation, and if you could please begin with your names.

Mr. Sandro Perruzza: Sure. Good afternoon, everyone. My name is Sandro Perruzza. I'm the chief executive officer at the Ontario Society of Professional Engineers, or OSPE for short. OSPE is the advocacy body for 85,000 professional engineers and 250,000 engineering graduates in Ontario. As an organization, we are deeply committed to supporting the creation of an equitable and inclusive engineering profession that is reflective of the province's rich diversity.

I am joined today by Ms. Shelly Deitner, a professional engineer and chair of OSPE's Women in Engineering Advocacy Champions Task Force. Shelly will now deliver our formal remarks to the Standing Committee on Social Policy.

Ms. Shelly Deitner: Thank you, Sandro.

Hello, everyone, and thank you for inviting OSPE to speak to Bill 3, the Pay Transparency Act.

In a male-dominated profession, many women encounter challenges and barriers throughout their engineering careers. In the fall of 2017, OSPE developed a survey for its Let's Break Barriers project, funded by Status of Women Canada. The project is identifying the systemic barriers that contribute to the underrepresentation of women in STEM. We received over 3,000 responses from women and men across Canada.

When women were asked what challenges they encountered in their engineering careers, feeling underpaid in comparison to their male colleagues was the third most common response amongst women in STEM. These perceptions are not unfounded; they are real.

In partnership with Mercer, OSPE conducts an annual compensation survey of engineering companies across Canada. Our analysis of 2016 compensation data revealed that for women with one to eight years of engineering experience, the wage gap was 5%. The largest discrepancies were evident in the most senior levels of engineering responsibility, ranging from 7% to 10%.

The financial consequences associated with the gender gap are also real. The gap can lead to a significant amount of lost compensation over the course of a woman's career. Women who are paid less than men for completing similar work are likely to feel undervalued, discouraged and resentful, while others choose to leave engineering altogether for better opportunities.

When women in OSPE's Let's Break Barriers survey were asked what kinds of workplace policy changes were needed to address the gender wage gap, the respondents were clear. The following comment was received from a woman in STEM, and it nicely summarizes the feedback that we received: "The only thing that would help is [the] publication of salary surveys or publicly displayed salaries.

"Women do not ask for higher salaries as often as men.... I think they don't have the same confidence, or maybe they don't know what they're worth. But if they had more education on what people exactly like them were earning," maybe they would be more willing to ask for more money.

Thus, OSPE supports this proposed piece of legislation. It is a step in the right direction. When employers are required to disclose the expected compensation or salary range for a job, women will be empowered. They will be more likely to advocate for themselves by negotiating their salary, thereby helping to close the gender wage gap. Ensuring that women in engineering are fairly compensated for their work will also address the retention of women in engineering, which benefits the economy as a whole.

In closing, Sandro and I would like to sincerely thank the Standing Committee on Social Policy for inviting OSPE to speak in support of Bill 3. We look forward to answering your questions.

1600

The Vice-Chair (Miss Monique Taylor): Thank you very much. We will begin with the government, and Mr. McMeekin.

Mr. Ted McMeekin: Sandro and Shelly, thank you for coming and for the work you're doing to advocate for women in engineering. I think we'd all agree it's an important area that we need to explore. Thank you for being here.

I want to ask two questions. During debate on this legislation, we heard members opposite question the addition of inclusive diversity characteristics in the pay transparency reports. I'm assuming you see value in adding diversity characteristics. Can you comment on that?

Mr. Sandro Perruzza: Equity, diversity and inclusion is a big value proposition for OSPE and our members. The engineering profession has an issue with inclusion and diversity, and this is why I think OSPE's position is that we need to call it out, identify that there is a gap and do something about it.

Women are highly underrepresented in the engineering profession, as are other groups. We're being very vocal about this underrepresentation. We've been trying to work on this for over 20 years, and there hasn't been much of a closing of the gap or increasing participation of women in engineering. So now is the time to stop talking quietly about it and actually call it out. This is why it's important to identify equity, diversity and inclusion.

Mr. Ted McMeekin: So you're naming it.

Mr. Sandro Perruzza: Yes, we are. We're naming it. If you want to address it, then you need to name it.

Mr. Ted McMeekin: Very good. Okay, thank you. Also during debate, we heard from the opposition that pay transparency was not needed to close the gender wage gap, that we could achieve that goal by simply amending the Pay Equity Act. Do you agree with that statement, and why, or why not?

Mr. Sandro Perruzza: I have four kids, and all four kids need braces. There are many ways to fix crooked teeth. So it doesn't matter which way you want to do it: Either introduce new legislation or amend old legislation. But what we like about this is the fact that it's reported.

OSPE, through our salary survey, started identifying the pay gap, or pay discrepancy, between male and

female engineers, and since we've done that, we've been able to close the gap. I think this is an important thing.

I came from the safety world, and in the safety world, what gets measured and reported is what gets done.

Mr. Ted McMeekin: Again, you're naming it.

Mr. Sandro Perruzza: Exactly.

Mr. Ted McMeekin: Very good. Thank you.

The Vice-Chair (Miss Monique Taylor): We'll move to the official opposition, and Mr. Yakabuski.

Mr. John Yakabuski: Thank you, Sandro and Shelly, for joining us. Sandro, I don't get to see you as often now, as I'm not the energy critic.

I want to begin by challenging the member opposite for implying that any such thing was said by the opposition during the debate on this bill. I would challenge him to show somewhere in Hansard where he's telling the truth, because I do not believe he is.

Mr. Mike Colle: Hey, come on. That's out of order.

Mr. John Yakabuski: That was never said, and if he can prove that—either he does, or he withdraws.

Mr. Mike Colle: Point of order.

The Vice-Chair (Miss Monique Taylor): Point of order from Mr. Colle.

Mr. Mike Colle: He challenged the member—

Mr. John Yakabuski: This is committee.

Sandro, I've got three minutes; I'm going to keep going. Thank you.

On the issue—

The Vice-Chair (Miss Monique Taylor): Mr. Yakabuski, can you hold on one moment, please? Just one moment. I'm stopping your clock.

Interjection.

The Vice-Chair (Miss Monique Taylor): Can you withdraw your comment, please?

Mr. John Yakabuski: No, I can't do that. It was never said. He made it up.

Interjections.

The Vice-Chair (Miss Monique Taylor): Okay. Can we just agree to be more careful and more collegial as we move forward throughout the process?

Mr. John Yakabuski: Absolutely, if Mr. McMeekin will stop making things up.

Mr. Mike Colle: Point of order.

The Vice-Chair (Miss Monique Taylor): Yes, Mr. Colle?

Mr. Mike Colle: It's parliamentary procedure that he is to withdraw. If he doesn't withdraw, he should be excluded from the committee.

Mr. John Yakabuski: No, this is not the same as the Legislature, Michael, but nice try.

Mr. Mike Colle: The rules are—

The Vice-Chair (Miss Monique Taylor): Okay, one moment, please. I'm going to check with the Clerk for clarification.

Interjection.

The Vice-Chair (Miss Monique Taylor): I will ask one more time if you'd like to withdraw. If not, then I'm going to have to call the table for further clarification. So it's up to you.

Mr. John Yakabuski: I don't want to sit here all afternoon.

The Vice-Chair (Miss Monique Taylor): I have no choice other than to check for clarification from the table, or to just have you withdraw.

Mr. John Yakabuski: I will withdraw, but I challenge the member to prove—

The Vice-Chair (Miss Monique Taylor): No, Mr. Yakabuski.

Mr. John Yakabuski: I have the right—

The Vice-Chair (Miss Monique Taylor): I know, but we don't ask questions—

Mr. John Yakabuski: I have the right to challenge the member on what he said.

I challenge you to prove that what you said was said in Hansard. If you don't, then as a gentleman, you should withdraw.

The Vice-Chair (Miss Monique Taylor): Okay, can we just have a little bit of order here?

Mr. John Yakabuski: Well—

The Vice-Chair (Miss Monique Taylor): Hold on, Mr. Yakabuski. You have withdrawn, so please, let's go back to questioning the witnesses before us.

Mr. John Yakabuski: Thank you very much, Chair.

I appreciate, Shelly, what you've said about the career of engineering, how it has traditionally been male-dominated. I will point out that road-building and construction certainly have been male-dominated as well, but I'm very proud to say that my sister was recently named the first female president of the Ontario Road Builders' Association in its 98-year history. Progress is being made. It is slow, but it is being made. To be the first, I think, is something pretty spectacular.

Sandro, I know that the government side would like to trap you on one thing or another. You did indicate that, as you said, there are a lot of different ways to fix crooked teeth. Our position on this bill has been that we have most of the tools in the tool box today under pay equity legislation in order to close and eliminate the gender pay gap. We have that now. If we had been enforcing it and actually put teeth into the legislation—now, we could amend the legislation to accomplish what is being accomplished by this act as well, without having to bring in a new act. Given that any act in the Legislature could be amended, would you not agree that a piece of legislation that is called pay equity legislation and legally requires people to pay men and women the same wage for essentially the same work—that we could amend that and accomplish the same thing?

Mr. Sandro Perruzza: We're not HR specialists or HR lawyers, so again—

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Mr. Sandro Perruzza: —if the provisions of this legislation are included and adopted into the existing legislation, I think that you can accomplish that. But again, I would go back to our position that it needs to be reported. If it's not reported, then—

Mr. John Yakabuski: And we could do that with an amendment.

The Vice-Chair (Miss Monique Taylor): Thank you.

Mr. John Yakabuski: Thank you very much, Sandro. I appreciate that. Thank you, Shelly.

The Vice-Chair (Miss Monique Taylor): We'll move on to the third party. Ms. Forster.

Ms. Cindy Forster: Thanks for being here today. The Equal Pay Coalition is proposing a number of amendments that would actually strengthen the bill. I heard that you kind of support the bill; you support the framework. But for the most part, it is a framework with not a lot of meat attached to the bones of the bill. What do they say? "The proof is in the pudding," when you actually get to regulations. Because of that, the Equal Pay Coalition is proposing that the bill be expanded before it gets passed to include employers with any more than 10 employees in the public sector and in the private sector, because the vast majority of employers with more than 500 employees are already in the public sector, and the vast majority of them are unionized. Do you have any comment on that and what the impact is on your sector?

Ms. Shelly Deitner: One of our comments is that small and medium-sized enterprises account for 95% of employers in Ontario, and this bill is only going to apply to large employers. So we are concerned about how this legislation is going to protect all women, including women in engineering in small companies.

As you've mentioned already, as unionized employees, the pay structures for public sector employees are already transparent for varying employee group classifications. Those are some of our concerns.

Ms. Cindy Forster: One of the previous presenters today talked about perhaps having some standardization for the various acts that employers currently have to report on. Under the Ontario disabilities act, it's a certain number, and under the Pay Equity Act, it's another number. Under the current pay equity legislation, it's employers with 10 employees or more where the obligation is. Do you have any comment on perhaps standardizing reporting for all reports that employers need to report to the government on?

Mr. Sandro Perruzza: No, no comment on that.

Ms. Cindy Forster: No comment on that? Okay. Thank you.

The Vice-Chair (Miss Monique Taylor): Okay.

Interjection.

The Vice-Chair (Miss Monique Taylor): Sorry; I had to think: Did the Liberals go?

Thank you very much for your presentation today.

1610

ONTARIO FEDERATION OF LABOUR

The Vice-Chair (Miss Monique Taylor): The next presenters are the Ontario Federation of Labour. You will have five minutes for your presentation, and if you could please begin with your names.

Ms. Patty Coates: My name is Patty Coates.

Ms. Thevaki Thevaratnam: And my name is Thevaki Thevaratnam.

Ms. Patty Coates: Thank you for inviting me here today to speak on Bill 3, the Pay Transparency Act. As I said, my name is Patty Coates, and I'm the secretary-treasurer at the Ontario Federation of Labour. Here with me today is Thevaki, who's the director of research and education at the OFL.

The Ontario Federation of Labour represents 54 unions and one million workers and champions the rights of all working people, both non-unionized and unionized. I'm here to address the need for a robust and effective Pay Transparency Act. Pay transparency can, if properly constructed, be a powerful tool to enforce compliance with existing laws. We know that without strong legislation, employers ignore or sidestep pay equity laws. In Ontario right now, 54% of employers create gender pay gaps contrary to the Pay Equity Act, even though pay equity has been the law since 1987.

Women in Ontario, on average, face a pay gap of 29.3%, and we know that the pay gap is even greater for racialized, indigenous, and immigrant women, as well as women with accessibility issues. In its pay transparency bill, this government has a chance to create the conditions for fairness. As written, Bill 3 is insufficient.

In our submission to the committee, the OFL has set out changes that are urgently needed before the Pay Transparency Act becomes law. We also endorse the recommendations put forth by the Ontario Equal Pay Coalition and thank them for their hard work towards ending the gender wage gap.

To that end, the OFL proposes the following changes:

The government must extend the act's application to all employers. Currently, Bill 3 leaves the act's application to be determined by regulations. This fails to meet the standards set out in the Human Rights Code, the Employment Standards Act and the Pay Equity Act. Compliance with the law cannot and should not be based on the size of a workplace—in fact, it undermines employers' existing obligations under these laws—and must apply to both private and public sectors. We know that 95% of workplaces have less than 100 employees. Bill 3, in its current form, will leave behind too many women, and those women are at greater risk for pay inequities.

Ensuring that pay transparency reporting obligations in the act are intersectional is essential. Pay transparency reports are intended to measure employer compliance with the Employment Standards Act, the Pay Equity Act and the Human Rights Code. The new act must, therefore, require that these reports reflect employers' existing legal obligations under these laws.

The act must also enforce pay transparency through the Pay Equity Office rather than the Ontario Labour Relations Board. Firstly, the Pay Equity Hearings Tribunal and Pay Equity Office are uniquely qualified to provide enforcement on these issues. Secondly, pay transparency supports a fundamental human right and so must be enforced by the province, with full public accountability, rather than through arbitration.

The act must also provide mandatory timelines for filing pay transparency reports. Currently, the act leaves this to regulations again. The obligation to file at a specific time must be included in the act itself, and this clarity is an essential element in creating an effective Pay Transparency Act.

Penalties for failure to comply with the act must be incorporated in it rather than leaving penalties to the regulations. Without clear penalties, it is unlikely that employers will comply with the Pay Transparency Act. It is important that the act set out financial penalties for failure to file an annual pay transparency report.

It must also legislate—

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Patty Coates: —a specific damage award to each employee in the workplace in cases where the employer fails to file.

Bill 3 must also strengthen protection against systematic discrimination via reliance on compensation history. The gender pay gap is supported when discriminatory pay that women receive in one job is used by employers to set their rate of pay in their next job. To end this practice, the act must state that an employer cannot consider compensation history in any way—

The Vice-Chair (Miss Monique Taylor): Thank you, Ms. Coates. I'm sorry.

Ms. Patty Coates: Thank you. That's okay. I was almost done.

The Vice-Chair (Miss Monique Taylor): We'll begin with the official opposition and Ms. Scott.

Ms. Laurie Scott: Did you have a line or two that you wanted to—

Ms. Patty Coates: That's all I had left, a couple more lines.

Ms. Laurie Scott: Go.

Ms. Patty Coates: Thank you very much.

To end this practice, the act must state that an employer cannot consider compensation history in any way that undermines a job applicant's right to receive discrimination-free pay.

Women have always deserved equal pay for equal work. Ontario has a chance to get us closer to this with this bill. The OFL strongly believes it's time for the government to ensure that workers can expect fair and equitable pay, whatever their gender. Thank you, and thank you for giving up some of your time.

Ms. Laurie Scott: Well said at the end, very well said. I'm glad you got those last lines in.

We also, as in the PCs, have been very insistent that the Pay Equity Office should be strengthened with resources, and the bill for transparency especially can be done through there. I'm kind of summarizing what you said. Is that okay?

Ms. Patty Coates: Yes, it is already an established—

Ms. Laurie Scott: Right.

Ms. Patty Coates: —through the pay equity—

Ms. Laurie Scott: Yes. They have been underresourced for decades. This is the worst by this govern-

ment, that they have been underresourced for the Pay Equity Office. It's just interesting that you bring up—the bill comes before the election, but also the fact that the Pay Equity Office has been there and willing to do this for a long time, if they had been given the resources and the tools to do this.

I had another point and I just lost it for a second. Oh, yes: We were also very concerned with the number of things left to regulation, as you had stated, right? The last points that you made were about penalties, could I say?

Ms. Patty Coates: Yes.

Ms. Laurie Scott: Did you want to go over any bit of that? I know I've got 30 seconds, roughly.

The Vice-Chair (Miss Monique Taylor): You've got a minute.

Ms. Laurie Scott: A minute? Okay.

Ms. Patty Coates: If I can just also talk about—it's important that the Pay Equity Commission is involved with this. Also, there's going to be data collection with regard to gender and the pay gap. I think it's really important because the Pay Equity Commission has not had the ability or the resources to be able to collect that data, and that data is extremely important in helping governments to develop policies, programs and so on and so forth.

I'm going to turn it over to Thevaki for the second part of the question.

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Laurie Scott: Okay. You're the research, right? You do a lot of research, yes?

Ms. Thevaki Thevaratnam: Yes. In terms of our recommendations, we echo the same recommendations of the Equal Pay Coalition for the financial penalties. They're recommending \$50,000 for employers that fail to provide the annual pay transparency report. It should be noted that it does not say "annual" in the bill as it stands, and that's also left to regulations.

We're also recommending that each employee in the workplace, if an employer fails to file a pay transparency report, receive \$1,000 in damages to recognize that pay equity is a human rights issue. It's not only just a workplace issue, but it's individualized.

The Vice-Chair (Miss Monique Taylor): Thank you.

Ms. Laurie Scott: Thank you very much.

The Vice-Chair (Miss Monique Taylor): To the third party and Ms. Forster.

Ms. Cindy Forster: Thank you for being here on this important issue. But I want to get it on the record right off the hop and go back to the Pay Equity Commission underfunding piece. It was actually the PCs under Mike Harris that reduced the funding to the Pay Equity Commission by 50%. The Liberal government is proposing to give them 25% more. That doesn't anywhere meet the need to make sure that the 54% of employers who aren't complying with pay equity legislation—to actually have the ability to go out there and make sure that happens, which in itself would reduce the gender gap. We hear every day from people working in Com-

munity Livings with the developmentally disabled community who have never achieved pay equity after 32 years of the legislation passing.

My only question for you is, there are eight amendments coming forward in this bill, and my assumption is that the OFL is supporting each and every one of those amendments.

Ms. Patty Coates: Yes.

1620

Ms. Cindy Forster: The PCs are suggesting that maybe you agree that we could just amend the Pay Equity Act. I just wanted that to be clarified.

Ms. Patty Coates: No, we can't just amend the Pay Equity Act. It's important to have pay transparency. There are many tools to close the gender wage gap. The Pay Equity Act is one. Pay transparency is another. Universal child care is another. Making it easier for all sectors to join unions—because when women belong to a union, they make more money. Increasing the minimum wage to \$15 for all workers—that includes servers, restaurant servers and students. So it's not just one tool.

Ms. Thevaki Thevaratnam: And, I'll just add, strong public services.

Ms. Patty Coates: Yes, thank you.

Ms. Cindy Forster: How will the bill in its current form assist these people if we do not make the amendments to the 28% or 30% of the population who don't work for an employer that has over 500 employees?

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Thevaki Thevaratnam: Currently, it holds very little teeth. We don't know when people are supposed to file their pay transparency reports. We don't know what's in the pay transparency reports. We don't know who has to file those pay transparency reports. So it's very important that we actually strengthen the law now, where there is overview and oversight from the public, and we can have debates on it, as well.

The Vice-Chair (Miss Monique Taylor): To the government and Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon, Patty. It's good to see you.

Ms. Patty Coates: Hello. It's good to see you.

Ms. Ann Hoggarth: Patty and I served on the district labour council together.

Thank you for your input. I appreciate it. I understand that you were a member of the gender wage gap working group and provided submissions to the steering committee. How do you feel that your input was heard on that committee and reflected both in this legislation and other government initiatives, such as free child care?

Ms. Patty Coates: Yes, I did sit on that committee and made our positions very clear to the government. You'll see that those same thoughts, opinions and positions are in our presentation, as well as in our submission to this committee.

We think that the Pay Transparency Act, as Thevaki said earlier, needs to have teeth. It needs to be embedded into the legislation—not wait for regulations. We need to

see it now. Women need to see it now. They don't need to see a little piece or a shell or a framework or a "maybe down the road." We need to see it in the act, and we need to see it now.

Ms. Ann Hoggarth: You touched on your desire to have this legislation apply to more employers right now. We see your point, but I know that it was a conscious decision to work with both employers and groups such as yourself and have a phased-in approach.

Can you detail how other jurisdictions have implemented this type of legislation? And can you give us a sense of how the types of employers that are covered in those jurisdictions—if they were immediate or phased in, and if they were mandatory or voluntary?

Ms. Patty Coates: I'll pass it over to Thevaki in a minute, but the one thing that I want to say, and I want to make it very clear, is that we need to close that gender wage gap, and the minute we leave one woman behind, we're not closing that gap. We need to use all of our tools, and this is a tool that we need to use. When we have a limit, we are leaving women, and the most vulnerable women, behind. We know that most of our women who are racialized, indigenous, immigrants or newcomers to Canada work in those workplaces.

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Patty Coates: Thevaki, did you want to add anything?

Ms. Thevaki Thevaratnam: I would just say that it depends on how you view the issue of pay transparency and pay equity. If you see it as a human rights issue, then I think you can agree that it needs to be done now, and employers will have to deal, because they are violating a human right to equal pay for equal work, for equal pay for equal value. That's all I'll say on that.

Ms. Ann Hoggarth: Is there any time left?

The Vice-Chair (Miss Monique Taylor): No, you're done.

Ms. Ann Hoggarth: Thank you.

The Vice-Chair (Miss Monique Taylor): Thank you very much for your presentation today.

Ms. Patty Coates: Thank you very much.

ONTARIO EQUAL PAY COALITION

The Vice-Chair (Miss Monique Taylor): Our next presenter is the Equal Pay Coalition. Good afternoon. You have five minutes for your presentation, and if you could please begin with your name.

Ms. Fay Faraday: I'm Fay Faraday. I am the co-chair of the Ontario Equal Pay Coalition, which is an organization that encompasses over 44 groups of unionized workers, non-unionized workers, business and professional women, employers and community groups, and that has been advocating for equal pay since 1974.

We've been advocating for pay transparency legislation for more than a decade, so we are strong supporters of pay transparency legislation. It is important, though, in this moment to take this opportunity to make sure that this legislation is strong and effective.

I want to address three things: the purpose of the legislation, who it should apply to and the details of what it should encompass.

In terms of the purpose, it's important to know that pay equity and the gender wage gap are not the same thing. Pay transparency and pay equity are not the same thing. We have three different laws that guarantee women the right to discrimination-free pay in the province that have been in place beginning in 1951. As of 1951, women have been entitled to equal pay for equal work in this province.

Beginning in 1962, under the Human Rights Code, women in this province have been entitled to equality in all aspects of employment without discrimination. That is access to hiring, access to quality jobs, access to training, mentoring, promotions.

Since 1987, women in this province have been entitled to equal pay for work of equal value, because we have a sex-segregated labour market in which female-dominated work is paid significantly less than male-dominated work of the same value.

All three of those pieces of legislation encompass the gender pay gap. Pay transparency is needed because employers are flouting the law. It has been the law to deliver discrimination-free pay for generations. The onus with pay transparency law is, it flips it to the employers to prove that they're actually complying with the fundamental law of the province.

That's why my second point is that the law has to apply to all employers with 10 or more employees. As I said, all those different laws—the equal employment standards legislation and the Human Rights Code—apply to every single employer in the province, regardless of size. Pay equity legislation applies to every employer with 10 or more employees.

To apply this legislation only to a select group—the 2% of employers who are the largest employers in this province—is like only enforcing speeding tickets when you're going over 140 kilometres in a 100-kilometre zone. It tells everyone else that we're not monitoring you and that you have licence to break the law, because we're only focusing on this one group of employers.

What we have here is fundamental human rights legislation that is designed to ensure that women know what the pay structure is in their workplaces, so that they can actually enforce their rights to equal pay. Right now, non-unionized women can be disciplined and terminated for asking about pay or for sharing their own pay information, which makes it literally impossible to enforce your rights to equal pay.

In terms of the information, it's important to ensure that the content of what employers need to report is in the legislation, rather than leaving that to regulations.

I want to stress that this is not at all onerous, that this is basic payroll information that every employer has at their fingertips, with the push of a button. If they don't have this information in their payroll system, they're in big trouble: Is your employee male or female? What occupation are they doing? How many hours are they

doing? Are they in full-time, part-time, temp agency, casual work? What are they being paid?

What pay transparency discloses is, it shows in an anonymous way—no personal information disclosed—the structure of pay in a workplace. It shows where men and women are paid differently for doing the same job. It shows where women are being concentrated in precarious work. It shows where women are concentrated in lower positions. It shows where women's work is paid less.

After generations of having a right to equal pay that has not been recognized, women are done waiting. It's time to show us the money.

1630

The Vice-Chair (Miss Monique Taylor): Thank you very much. We will begin with the third party. Ms. Forster.

Ms. Cindy Forster: Thank you very much for your presentation. You just talked about the existing legislation that applies under the ESA, the Human Rights Code and the pay equity legislation. In fact, the legislation, Bill 3, in its current form, actually violates the spirit—if it doesn't violate in law, it certainly violates the spirit of those three acts, some of which have been around for a very long time, in the effect that it's only applying to a certain segment of the population. Those other three pieces of legislation explicitly talk about no discrimination against women.

Ms. Fay Faraday: Yes. I think it's important to note that there is no need to phase this legislation in. Every employer in the province should be able to demonstrate that they are paying non-discriminatory wages. If they can't prove that, they have a problem with violating the fundamental law in this province.

I want to add that we're done talking about this. We went through these detailed consultations during the gender wage gap strategy process that lasted over a year in which pay transparency was a key issue. I participated on the Ministry of Labour's gender wage gap working group, where we again addressed this in great detail with worker and employer representatives at the table. This is very simple legislation, where employers should be able to demonstrate right now that they are delivering discrimination-free pay.

Ms. Cindy Forster: In fact, we heard from the Human Resources Professionals Association's Scott Allinson earlier this afternoon, who indicated to us that this really isn't onerous for employers. The government needs to streamline reporting, but, in fact, as you say, every employer should have this information in their system.

Ms. Fay Faraday: Yes. I've been litigating these kinds of cases for 22 years. When employers disclose information, it's just their payroll spreadsheets. You can run those spreadsheets in any number of ways, select which columns you want and produce those spreadsheets in a matter of minutes. This is not onerous.

Ms. Cindy Forster: Thank you.

The Vice-Chair (Miss Monique Taylor): All done?

Ms. Cindy Forster: Yes.

The Vice-Chair (Miss Monique Taylor): Good. We'll move on to the government. Mr. Dhillon.

Mr. Vic Dhillon: Thank you for your presentation.

Mr. John Fraser: It's me.

Mr. Vic Dhillon: Pardon me.

The Vice-Chair (Miss Monique Taylor): Okay. Mr. Fraser?

Mr. John Fraser: Thank you very much, Ms. Faraday, for your presentation. Just a couple of things: You very clearly articulated your desire to have this legislation apply across the board right away to all companies in Ontario. You very aptly pointed out the laws that already exist here that ensure these things or should ensure these things.

Taking a look at how this legislation has been put forward in terms of looking at a collaborative, go-forward approach, a certain evidence-based way of looking at how we go forward in this or a phased approach, can you tell me about another jurisdiction and how they handled this type of legislation in applying it going forward?

Ms. Fay Faraday: Sure. I'd be happy to answer that. But I want to clarify first off that while we've been consulted extensively about this legislation, we have not at any point suggested that there should be a phase-in of the application of it.

In terms of legislation around the world, Iceland, Denmark and Belgium have pay transparency legislation that applies, respectively, to 25, 35 and 50 employees. Australia has pay transparency legislation that applies to 100 and more employees. The UK has legislation that applies to employers with 250 or more employees.

You talk about phasing in. What the UK did is that, initially, they introduced their legislation and made it voluntary. For the first two years of its application, it was voluntary. In that voluntary reporting, I believe the grand total of employers who reported was five, at which point, the Conservative government in the UK said, "This must be mandatory." So the mandatory reporting came into effect when all employers had to file on April 4, and still over 1,200 employers did not file.

We do need legislation that makes it mandatory to report because employers will not do it unless it's mandatory. That's what has allowed the gender pay gap to last all these generations, because secrecy in pay undermines women's ability to enforce their fundamental rights in the workplace.

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Mr. John Fraser: Thank you very much.

The Vice-Chair (Miss Monique Taylor): We'll move to the official opposition and Ms. Scott.

Ms. Laurie Scott: Thank you for coming here and speaking so eloquently. You said you were part of the Ministry of Labour's working group. Did you draft a different proposed pay transparency act?

Ms. Fay Faraday: Not in the context of the gender wage gap working group. Last year, on Equal Pay Day, the Ontario Equal Pay Coalition launched model pay

transparency legislation that would map out what would be a strong, effective pay transparency law.

There are opportunities with this legislation to strengthen Bill 3, to ensure that it delivers in the way that robust pay transparency legislation should. We've identified the eight key amendments that would strengthen the law so that it meets the core requirements of that model legislation that we drafted. We drafted that legislation after reviewing all the models that exist globally, as well as looking at reporting obligations that exist in Ontario right now.

The critical things are—ensuring that the legislation applies to all employers with 10 or more employees.

It's necessary to have amendments that put the content of the reporting obligations into the legislation itself rather than leaving it in regulation. Those reporting requirements can be expanded through regulation, but the core ones must be there in legislation.

We've provided a detailed report for the committee in which we've actually drafted the language for all of these amendments.

We've identified a need to have mandatory timelines so that everybody is reporting on the same day, every year.

We've identified that it's important to have strong penalties. As the OFL was noting, that would include a public penalty of a \$50,000 fine for failing to file, as well as \$1,000 in human rights damages for every employee.

We've identified the need to have the reports filed with and enforced by the Ontario Pay Equity Office and tribunal, which already has expertise in ordering disclosure on data that discloses the gender pay gap.

It's important, as well, to add a purpose clause in this legislation, because that's key in terms of understanding how all the other provisions will be interpreted. A purpose clause, as we've drafted it, would identify how this law interacts with the code, with the Employment Standards Act and with the Pay Equity Act.

Ms. Laurie Scott: Should the Pay Equity Office be the one that oversees this? They can't do it as it stands, but—

Ms. Fay Faraday: Yes. That's what we've identified, because it has that expertise and the jurisprudence. But that is different from the Pay Equity Act. Those are completely different roles.

Ms. Laurie Scott: Thank you. I think we're out of time.

The Vice-Chair (Miss Monique Taylor): Thank you very much, Ms. Faraday.

Ms. Fay Faraday: Thank you.

OPSEU

The Vice-Chair (Miss Monique Taylor): Our next presenter is OPSEU. Good afternoon. You have five minutes for your presentation. Please begin with your name.

Ms. Carol Mundley: Good afternoon. My name is Carol Mundley. I'm representing OPSEU. In OPSEU, we

have a total of over 150,000 members, and of those 150,000 members, more than 71% are women. Needless to say, of the 71%-plus women, you have women who work in every category you can imagine.

When we think about pay equity and our struggles on our journey through, it's almost impossible to believe that this has been going on since 1987. It has been quite a while.

Like the OFL, who we are affiliated with, has said, and the Pay Equity Coalition, who we've been working closely with, you hear time and time again about racialized women and indigenous women who are lagging behind everyone else.

1640

So I, like you—I'm sure you're thinking that it is time that this government had a strong pay transparency act in place to really address the concerns that we have. It doesn't seem like it's going to get better unless we have this legislation in place. Bill 3, the Pay Transparency Act, will quite possibly bridge the gap.

As you hear time and time again, the gap has been left open and nothing has been done for the last 30 years. So what is it that we can expect? What is it that we're asking you to do today?

We are asking you to make it a priority to ensure that no woman is left behind and that the transparency act actually forces our employers to address the gap that exists. We agree that it has been discriminatory, and again, the group of people who are most affected are the people who can't fight for themselves and can't speak for themselves. So we are here and we are hoping that you will actually hear what it is that we have to say today.

We talk about human rights, and yet it's almost as if for a woman, human rights—we want to think that it is a privilege. But it's not a privilege; it is actually our right to be paid equally with men.

What is it that we, as legislators, intend to do? We look at what's happening throughout the European Union commission, and Canada has been a part of that, yet we are still rated seventh out of the 34 countries part of that union.

We are saying that for Ontarians, it is time to implement strong pay transparency legislation. Hopefully, we can start from here.

The Vice-Chair (Miss Monique Taylor): Okay. Are you done?

Ms. Carol Mundley: Yes.

The Vice-Chair (Miss Monique Taylor): Okay.

Interruption.

The Vice-Chair (Miss Monique Taylor): Oh, what's that?

The Clerk of the Committee (Ms. Jocelyn McCauley): It's probably a quorum.

Mr. John Yakabuski: It's a quorum. I see the Clerk counting.

The Vice-Chair (Miss Monique Taylor): Okay. We can move ahead with the government. Mr. Dhillon.

Mr. Vic Dhillon: Thank you, Ms. Mundley, for your presentation. I understand that you provided a submission

to the gender wage gap steering committee. How do you feel your input was heard and reflected in both this legislation and other government initiatives, such as free child care?

Ms. Carol Mundley: My hope is that you actually did hear us regarding what it is that we need. For the issue of child care, when you think about how many children are without adequate care on a daily basis, it leaves us to wonder, how much do we value our children?

What we are asking for is not just for it to be addressed for some children. We are asking for it to be addressed for every child who is not of school age, and to the point where if they are of school age, at least they will get partial child care.

Mr. Vic Dhillon: You've touched on a desire to have this legislation apply to more employers right away. We see your point, but I know it was a conscious decision to work with both employers and groups such as yourselves, and have a phased-in, evidence-based approach.

Can you detail how other jurisdictions have implemented this type of legislation? Can you give us a sense of how the types of employers that are covered in those jurisdictions—if they were immediately phased in, if they were mandatory or voluntary, and what sorts of results were seen?

Ms. Carol Mundley: For pay transparency and pay equity to be phased in, I don't think that's an option. That can't be an option where we're looking at phasing in, because it has been 30 years already. How much more time do we need to be able to phase things in?

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Mr. Vic Dhillon: Those are the questions I had, Chair. Thank you.

The Vice-Chair (Miss Monique Taylor): Thank you. We'll move over to the official opposition and Ms. Scott.

Ms. Laurie Scott: Thank you very much for appearing here today.

I know you spoke about this and touched on it lightly. I didn't know if you wanted to expand. Do you feel that Bill 3, the way it is now, is going to close the gender gap for your members?

Ms. Carol Mundley: The way we have presented it.

Ms. Laurie Scott: Right, but the way that it's written?

Ms. Carol Mundley: The way we have presented it—

Ms. Laurie Scott: So your recommendations.

Ms. Carol Mundley: —absolutely it will start to address what it is that we need to see happen.

Ms. Laurie Scott: Okay. You didn't submit recommendations or anything that I know of.

Ms. Carol Mundley: No, I didn't.

Ms. Laurie Scott: So you're referring to—there were some recommendations that you'd like to see from OPSEU in the bill?

Ms. Carol Mundley: The recommendations that we're endorsing are the ones that were submitted from the equal pay—

Mr. John Yakabuski: OFL.

Ms. Laurie Scott: OFL.

Ms. Carol Mundley: Yes.

Ms. Laurie Scott: All right. That was very good.

Have you been a member of OPSEU for quite a while?

Ms. Carol Mundley: About 16 years. I'm very junior still, so yes.

Ms. Laurie Scott: Yes, there you are, 16 years.

You mentioned that 71% of the members of OPSEU are women.

Ms. Carol Mundley: Yes.

Ms. Laurie Scott: Over that period of time that you've been with them, have you seen—we talk today about education of employers, about bringing forward the information and for employees to know what to expect and the transparency. Have you seen any improvements or willingness, slowly? I know that we're talking about amended legislation now, but what have you seen in your past experience?

Ms. Carol Mundley: One of the things—I've worked for the same employer, so we see it going on right presently in our organization. However, throughout OPSEU, you do have organizations where you might have less than 20 employees, and they seem to be more impacted than the OPS, the Ontario public service, and others. You have people who are in the developmental sector, as well as shelters. They are impacted, more so, and these are smaller employers—

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Carol Mundley: —so it's really important that we look at it not the way it was presented, with the phasing-in component, but to look at it as it was presented by the Equal Pay Coalition.

Ms. Laurie Scott: Okay. Thank you very much for coming today.

Ms. Carol Mundley: Thank you very much for having me.

The Vice-Chair (Miss Monique Taylor): Thank you. We'll move on to the third party and Ms. Forster.

Ms. Cindy Forster: Thank you for coming today. Women got the vote a very long time ago in this country, right?

Mr. John Yakabuski: A hundred years.

Ms. Cindy Forster: More than 100 years, yes? We don't want to be waiting another 100 years to close the gap.

I understand the federal government is dealing with pay transparency at this moment as well. They're proposing employers of greater than 10 employees. When I review this report today from Pay Equity Ontario that they've actually put in to the committee, they talk

about how in 1987, when the pay equity legislation was introduced, the gap was 36%. Today, it is still almost 30% when you compare part-time workers, and 26% or 27% for full-time workers. So the bill in its existing form will not go a long way to assisting the vast majority of women in this province.

Ms. Carol Mundley: I absolutely agree.

Ms. Cindy Forster: You agree with that?

Ms. Carol Mundley: I do.

Ms. Cindy Forster: Can you give us a little bit more about how it actually impacts racialized women and indigenous women even further than this 26% to 30%?

Ms. Carol Mundley: Okay. I can tell you from experience, for starters, that you weren't allowed to speak about your pay, what your pay was. So right then and there, it was obvious that everyone seemed to be making something different, based on who you were and what it was that you represented. As a racialized woman, I can tell you that we have always been at the bottom of the list. It doesn't matter how you put that list; we always appear at the bottom.

In order for it to be transparent in what individuals are being paid—employers will not do it on their own. Unless they're forced to do something, it won't be done. That is something that has always been the case.

We're talking about pay equity, but as we know, it's not only pay equity that—

The Vice-Chair (Miss Monique Taylor): Thirty seconds.

Ms. Carol Mundley: It exists right across the board.

Ms. Cindy Forster: Thank you. I encourage the people who are here today and made presentations, and all of your members, actually, to lobby the government. The government is in a majority situation. I can tell you from experience, having sat at social policy committee during Bill 148, or our finance committee, I guess, during Bill 148 committees, that the vast majority, I would say, of the 90 or so amendments that we put forward—one or two, which were pretty insignificant, passed. So lobby—

The Vice-Chair (Miss Monique Taylor): Thank you, Ms. Forster.

Thank you to all of our presenters today. A reminder that the deadline for written submissions is 6 p.m. on Wednesday, April 18, and that the deadline for filing amendments to the bill with the Clerk of the Committee is 11 a.m. on Thursday, April 19, 2018.

We stand adjourned until 3:30 p.m. on Wednesday, April 18, 2018, in committee room 1, when we will meet for the purpose of public hearings on Bill 3.

The committee adjourned at 1653.

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